

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-3 and 5-7 are pending, none of these claims having been amended by way of the present amendment.

In the outstanding Office Action, Claims 1-3 and 5-7 were rejected as being anticipated by Yasuda (U.S. Patent No. 5,999,694).

Applicants respectfully traverse the rejection.

The remarks filed in the Request for Reconsideration of April 16, 2008 are incorporated herein by reference in their entirety, as these comments are equally applicable in this response.

In paragraph 3 of the outstanding Office Action, the Office Action asserts that (I) the claims do not specify that the temporal information is generated and recorded on the medium when a playback of the recorded information is terminated; (II) the claims do not recite a playback or reproducing the recorded information prior to recording the PlayList file and the temporal information on the medium in the claims; and (III) Yasuda teaches a temporal reference (position information) being recorded on the medium when a playback is terminated (citing column 5, lines 40-50).

These three issues appear to be the main issues on which Applicants and the Office presently differ, and so in an attempt to focus the prosecution, each of these three issues will now be addressed in turn.

I. Claim 1 requires recording temporal information on the recording medium.

Claim 1 requires a recording means for recording one or more PlayList files and a

management information file. The management information file contains a resume PlayList file name that indicates a name of the particular PlayList file whose playback has been terminated. The particular PlayList file contains temporal information on a time point of termination of the playback of the particular PlayList file. Therefore, because the recording means records the management information file and this management information file on a recording medium, includes a particular PlayList file containing temporal information on a time point of determination of the playback of the particular PlayList file, Claim 1 unquestionably requires that the temporal information be recorded on the recording medium.

As shown in the cover figure of Yasuda, a recording medium 1 provides data to a reproducing apparatus S. The reproducing apparatus S includes a controller 8 that has a backup memory 13 and a buffer RAM 10. The backup memory 13 serves as a “group index memory, record position information memory, picture index memory, ...,” as discussed at column 12, lines 48-51. The Office Action asserts that Yasuda discloses “a temporal reference (position information) on the medium when a playback is terminated,” citing column 5, lines 40-50. However, in column 5, lines 40-50, a time code (TC) is recorded into a group index memory, which is part of in the backup memory 13. The backup memory 13 is part of the reproducing apparatus and is not part of the recording medium. Therefore, Applicants traverse the assertion that Claim 1 fails to require the recording of the temporal information to the recording medium. Applicants also traverse the assertion that Yasuda discloses the teaching of the temporal reference on the medium when a playback is terminated.

II. Claims Do Not Preclude Recording

The Temporal Information On The Medium After a Playback Operation.

In the case of Claim 1, the Office Action apparently is placing a sequence restriction regarding for recording the management information file on the recording medium. Because the claim requires the management information file to be recorded on the recording medium and the management information file includes a name of a particular PlayList file and the particular PlayList file contains temporal information, it is respectfully submitted that at least Claim 1 requires the recording of the temporal information, which is contained in the particular PlayList file, on the recording medium. This claim simply does not include a sequence requirement as apparently the Office is reading into Claim 1.

The same discussion applies generally with regard to Claims 2, 3, 5, 6 and 7. As such, Applicants traverse the assertion that the sequence requirement, as alleged in the Office Action, is required by the claims.

III. Yasuda teaches a temporal reference (position information) on the medium.

The Office cites column 5, lines 40-50 for support that Yasuda teaches a temporal reference being recorded on the medium when a playback is terminated. However, the language that addresses this recording medium is at line 48 which refers to a “picture on the record medium”. This is different than asserting that the position information is recorded on the record medium. Rather, line 51 makes clear that the position information is “stored into a record position memory”. Subsequently at column 12, lines 48-51, the specification describes this as a memory in a controller of a playback device (see e.g., element 13 of controller 8 of the cover figure). As such, Applicants traverse the assertion that Yasuda teaches a temporal reference being recorded on the medium when a playback is terminated.

Instead, Yasuda merely discloses saving in a playback mechanism's memory the temporal reference, and not on the medium itself. Therefore, Applicants respectfully traverse the Office's assertion.


Consequently, in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3 and 5-7 patentably define over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)



Bradley D. Lytle
Attorney of Record
Registration No. 40,073